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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,727	01/24/2001	Andreas Rippich	3134/WEICK	1224

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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 07/19/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,727

Applicant(s)

RIPPICH, ANDREAS

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 19 is/are ~~withdrawn from consideration~~ *Cancelled*.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The applicant amended claims 1-4, 6-7, 9, 11-14, 18, and 21-23, canceled claims 8 and 19, and added claim 26 in the amendment received on 4/16/04.

The pending claims are 1-7, 9-18, and 20-26.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 18, 22, and 26 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

"Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, **test is what combined teachings of references would have suggested to those of ordinary skill in art.**" In *re Keller*, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

"Prima facie case of obviousness is established when **teachings of prior art appear to suggest claimed subject matter to person of ordinary skill in art**; it is incumbent upon applicant to go forward with objective evidence of nobviousness once

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prima facie case is established." In re Rinehart (CCPA) 189 USPQ 143 Decided Mar. 11, 1976 No. 75-608 U.S. Court of Customs and Patent Appeals.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 22, a step (d) includes a step (f). Such inclusion of a posterior step (step (f)) in a prior step (step (d)) causes a confusion in understanding the claim. The step (d) should be rewritten in a clear and understandable manner, so that the step (d) itself should be understandable without referring to any posterior step.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-7, 9, 11-18, and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Ginsberg ("A unified approach to automatic indexing and information retrieval", 1993, IEEE, pages 46-56, Vol. 8, Issue: 5) and Wilson et al. (U.S. Patent No. 5,963,938), and further in view of Bowman et al. (U.S. Patent No. 6,006,225).

With respect to claim 1, Wasilewski discloses a graphical user interface displaying a set of entries from a database of entries, displaying a set of operators, and displaying a result obtained from the selection of at least one entry from the database (figs. 8-11, lines 9-51 in col. 2, lines 15-55 in col. 3 and line 44 in col. 4 thru line 19 in col. 5). Wasilewski discloses selecting an entry of the displayed set of entries (figs. 8-11 and lines 6-59 in col. 7). Wasilewski does not explicitly disclose updating the displayed result based on the selected entry. However, Ginsberg discloses a graphical user interface displaying a result and updating the displayed result in a simultaneous manner based on a query entry (fig. 1 on page 47, fig. 2 on page 48, fig. 5 on page 54, 3<sup>rd</sup> line in right column of page 47 thru line 14 in left column of page 48, and section "Conjunctive expressions" on pages 54-55) in order to assist user in searching by providing an immediate search result. Therefore, based on Wasilewski in view of Ginsberg, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Ginsberg to the system of Wasilewski for updating a displayed result based on an inputted entry in order to assist a user in a search strategy by providing an immediate search result, so that the user can decide whether the user needs a further search. Wasilewski discloses selecting an operator from the displayed set of operators (figs. 8-11 and lines 6-59 in col. 7). Wasilewski and Ginsberg do not explicitly disclose updating the set of displayed operators based on the selected entry. However, Wilson discloses displaying operators and operands and updating (logical) operators to limited possible operators based on a selected attribute or entry (fig. 3, fig. 9, fig. 12, lines 15-20 in col. 2, lines 58-62 in col. 5, lines 8-15 in col.

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10, lines 2-6 in col. 7, and lines 31-36 in col. 18) in order to assist the user in search by avoiding the user to select unnecessary or undesired operators in search via hiding or eliminating those operators. Therefore, based on Wasilewski in view of Ginsberg, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wilson to the system of Wasilewski for updating logical operators based on a selected entry in order to prohibit the user to select an undesired operator in a search query, so that the user can construct a proper search query for a result. Wasilewski, Ginsberg, and Wilson do not explicitly disclose updating the displayed set of entries. However, Bowman discloses eliminating inappropriate items, which would not produce a wanted result at the end of a database search (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55 in col. 9, and lines 42-67 in col. 12) in order to prevent a NULL query result. Therefore, based on Wasilewski in view of Ginsberg and Wilson, and further in view of Bowman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Bowman to the system of Wasilewski for eliminating all undesired items in a query searching in order to prevent a NULL query result, which is an unwanted result. Furthermore, such searching steps can be repeated and it is well known in the art (fig. 2 of Wilson).

With respect to claim 2, Wasilewski discloses displaying contents of the database in a list (figs. 8-11).

With respect to claim 3, Wasilewski discloses displaying contents in a hierarchical order (figs. 8-11).

With respect to claim 4, Bownman discloses wanted result corresponding to a non-nullity (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55 in col. 9, and lines 42-67 in col. 12). The limitations of claim 4 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 5, Bownman discloses wanted result corresponding to a nullity (lines 23-25 in col. 3). The limitations of claim 5 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 6, Wasilewski discloses the displayed set of contents is a subset of all contents of the databases (figs. 8-11).

With respect to claim 7, Bowman discloses excluding potentially weak correlation terms (lines 40-55 in col. 9). The limitations of claim 7 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 9, Wasilewski discloses a selection of a Boolean operator by a conventional computer mouse-clicking mechanism (lines 15-55 in col. 3 and fig. 7).

With respect to claim 11, Wilson discloses operators and operands (fig. 3, fig. 9, fig. 12, and lines 15-20 in col. 2). Wilson discloses limiting possible (logical) operators for a particular argument (lines 8-15 in col. 10, and lines 2-6 in col. 7).

With respect to claim 12, Wasilewski discloses representing contents of the database by text (figs. 8-11).

With respect to claim 13, Wasilewski discloses representing contents of the database by image (lines 44-50 in col. 5).

With respect to claim 14, Wasilewski discloses URLs and a television for browsing a network and a database, which teach video or audio segments in database could be retrieved by URLs and the television (lines 32-43 in col. 1).

With respect to claim 15, Wasilewski discloses merging a displayed list of database entries with operators to form a hybrid search term (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 16, Wasilewski discloses a logical operator comprising a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 17, Ginsberg discloses a graphical user interface displaying a progress and a result of the database search in a simultaneous manner on a computer display (fig. 1 on page 47, fig. 2 on page 48, fig. 5 on page 54, 3<sup>rd</sup> line in right column of page 47 thru line 14 in left column of page 48, and section "Conjunctive expressions" on pages 54-55).

The limitations of claim 18 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 20, Wasilewski discloses Boolean operations (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 21, Wasilewski discloses a logical operator comprising a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

The limitations of claim 22-26 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

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7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Ginsberg ("A unified approach to automatic indexing and information retrieval", 1993, IEEE, pages 46-56, Vol. 8, Issue: 5), Wilson et al. (U.S. Patent No. 5,963,938), and Bowman et al. (U.S. Patent No. 6,006,225), and further in view of Carey et al. (U.S. Patent No. 5,905,982).

With respect to claim 10, Wasilewski, Ginsberg, Wilson, and Bowman disclose the claimed subject matter as discussed above except a SQL query. However, Carey discloses a SQL query for searching a database including relational and object oriented (abstract, lines 33-62 in col. 1, line 65 in col. 5 thru line 35 in col. 6). Therefore, based on Wasilewski in view of Ginsberg, Wilson, and Bowman, and further in view of Carey, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a SQL query for searching a database, such as a relational and object oriented database.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 703-305-6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Joon Hwang  
7/9/04



Jean M. Cornelius  
Primary Examiner  
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